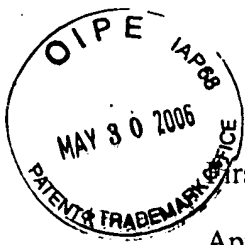


IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor: Robert Walther

Application No.: 10/757,564

Art Unit: 3751

Filed: January 15, 2004

Examiner: unknown

Title: Method of Manufacturing a Fuel Filler Tube

Attorney's Ref.: 1406-23/JLW

**SENT BY COURIER**

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop Petition**  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Dear Sir:

**PETITION TO WITHDRAW A HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181(a)**

The undersigned being hereby warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such wilful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that:

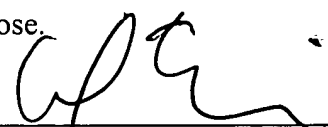
1. The PETITIONER, the named inventor Detlef Stoetzel, hereby petitions for the **withdrawal of the holding of abandonment** of United States Patent Application filed on January 15, 2004, entitled "Method of Manufacturing a Fuel Filler Tube" and assigned serial number 10/757,564, be accepted for filing in the United States Patent and Trademark Office.
2. The grounds for this petition are as follows:
  - (a) A Response to a Notice to File Missing parts dated April 19, 2004 was timely filed on September 20, 2004. The Response comprised:
    - i. a check for the required fees;

- ii. a Response to Notice to File Missing Parts of Application (in duplicate);
  - iii. a copy of the Notice to File Missing Parts;
  - iv. a Petition under 37 CFR 1.47(a) and a Petition for a 3-month Extension of Time (in duplicate);
  - v. a Declaration/Power of Attorney executed by one of the two named inventors;
  - vi. the Affidavit of Jenna Wilson in support of the Petition;
  - vii. a Letter to the Official Draftsperson; and
  - viii. substitute formal drawings of Figs. 1 to 9B.
- (b) A properly itemized, date-stamped postcard receipt was received bearing the OIPE stamp, dated September 20, 2004. The Response described above was timely filed because the last date of the three-month extension, September 19, 2004, fell on a Sunday.
3. No decision on the above-mentioned Petitions was ever received. A further Notice of an Incomplete Reply was issued on October 7, 2004, and a Response to this Notice was received by OIPE on October 21, 2004 advising that a Petition had been timely filed in response to the Notice to File Missing Parts.
4. The Petitioner has not received any decision on the above-mentioned Petitions, and therefore submits that this application should not be held abandoned pending a decision on the Petitions.
5. A true copy of the itemized, date-stamped postcard receipt; a true copy of the Response that was filed in response to the Notice to File Missing Parts; and a true copy of the Response to the Notice of an Incomplete Reply accompany this Petition. The true copy of the Response to the Notice of an Incomplete Reply includes a true copy of the facsimile confirmation page confirming successful delivery to fax number (703) 305-9822.
6. The Petitioner submits that no petition fee is required because a complete reply that addressed each of the missing parts identified in the Notice to File Missing Parts was

filed. However, if the Commissioner determines that the petition fee of \$130.00 set in 37 CFR §1.17(h) is payable on this Petition to Withdraw a Holding of Abandonment, then the Commissioner is authorized to charge the \$130.00 petition fee, and to charge any deficiency or credit any overpayment, to our Deposit Account No. 500663. A duplicate of this paper is enclosed if required for this purpose.

May 26, 2006

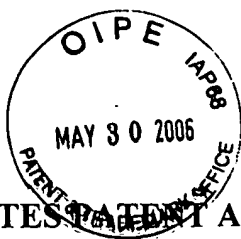
(Date)

  
\_\_\_\_\_  
Mark B. Eisen  
Registration No. 33088

**Customer Number: 38735**

Enclosures: true copy of postcard receipt  
true copy of Response to Notice to File Missing Parts  
true copy of Response to Notice of Incomplete Reply  
true copy of Notice of Abandonment

MBE:lf



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert Walther and Detlef Stoetzel  
Application No.: 10/757,564 Art Unit: 3751  
Filed: January 15, 2004 Examiner: unknown  
Title: Method of Manufacturing a Fuel Filler Tube  
Attorney's Ref.: 1406-23/MBE

**VIA COURIER**

Commissioner for Patents  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, Mail Stop Missing Parts  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202  
U.S.A.

ENTERED SEP 16 2004

Dear Sir:

In response to the Notice to File Missing Parts of Application dated April 19, 2004 (copy enclosed), we enclose the following documents for filing in this application:

- 1) Petition (in duplicate) for 3-month extension of time for responding to the Notice to File Missing Parts of Application;
- 2) Declaration/Power of Attorney document signed by Detlef Stoetzel;
- 3) Petition to accept a patent application filed on behalf of one or more non-signing inventors;
- 4) Affidavit of Jenna Wilson; and
- 5) Letter to the Official Draftsperson and substitute formal drawings of Figures 1 to 9B, which are in compliance with 37 CFR 1.84 and 37 CFR 1.121. No new matter has been added to the drawings.

CK# 2035

September 16, 2004


Our check in the amount of \$1,200.00 is enclosed in payment of the following fees:

Extension of time fees	950.00
Petition fee	130.00
Late surcharge fee	130.00

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the enclosed fees to our Deposit Account No. 500663. A signed duplicate of this letter is enclosed for this purpose.

Executed at Toronto, Ontario, Canada, on September 16, 2004.

Robert WALTHER & Detlef STOETZEL

  
\_\_\_\_\_  
Mark B. Eisen  
Registration No. 33,088  
Customer Number: 38735

MBE:lf

Enclosures:

Fee Payments  
Copy of Notice to File Missing Parts of Application  
Declaration and Power of Attorney executed by Detlef Stoetzel  
Petition under 37 CFR 1.47(a)  
Affidavit of Jenna Wilson  
Letter to Official Draftsperson with substitute formal drawings of Figs. 1-9B

MBE:lf



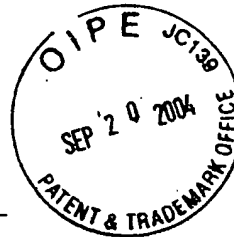
Our File: 1406-23/MBE Serial No.: 10/757,564

Inventor(s): Robert Walther and Detlef Stoetzel

Title: Method of Manufacturing a Fuel Filler Tube

**Receipt is acknowledged of:** Date Stamp {

Check, Response to Notice to File Missing Parts of Application (in duplicate), copy of Notice to File Missing Parts, Declaration/Power of Attorney; Petition under 37 CFR 1.47(a) (in duplicate), Affidavit of Jenna Wilson, Letter to Official Draftsperson and substitute formal drawings of Figs. 1 to 9B



Date Sent: September 16, 2004

Due Date: September 19, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



First named inventor: Robert Walther

Application No.: 10/757,564

Art Unit: 3751

Filed: January 15, 2004

Examiner: unknown

Title: Method of Manufacturing a Fuel Filler Tube

Attorney's Ref.: 1406-23/MBE

**SENT BY COURIER**

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Petition  
Crystal Plaza 2, Lobby, Room 1B03  
Arlington, VA 22202  
U.S.A.

Dear Sir:

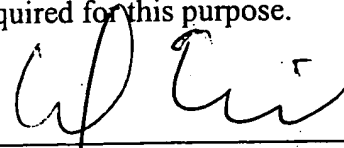
**PETITION TO ACCEPT A PATENT APPLICATION FILED ON BEHALF OF ONE  
OR MORE NON-SIGNING INVENTORS UNDER 37 CFR 1.47(a)**

The undersigned being hereby warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such wilful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that:

1. The PETITIONER, Detlef Stoetzel, hereby petitions that the United States Patent Application filed on January 15, 2004, entitled "Method of Manufacturing a Fuel Filler Tube" and assigned serial number 10/757,564, be accepted for filing in the United States Patent and Trademark Office.
2. The grounds for this petition are as follows:
  - (a) On January 15, 2004, an application for a patent was filed in the United States and was assigned serial number 10/757,564 for a method of manufacturing a fuel filler tube, claiming priority from Canadian Patent Application No. 2,417,248, filed January 17, 2003;

- (b) Before the filing of the present United States Application No. 10/757,564, the joint inventor Robert Walther moved and could not be reached after diligent effort to contact him;
  - (c) Robert Walther's last known address was 77 Harbour Square, Unit 1504, Toronto, Ontario, Canada M5J 2S2; his previous address was 2210 Lakeshore Road East #405, Burlington, Ontario, Canada L7R 4J9;
  - (d) The Petitioner has made a declaration on behalf of Robert Walther pursuant to 37 CFR 1.64;
  - (e) The statement of facts set out in the affidavit affirmed by Jenna Wilson on September 15, 2004 herein.
3. A Petition for a 3 month Extension of Time, a Declaration/Power of Attorney signed by Detlef Stoetzel and substitute formal drawings are filed concurrently herewith.
4. The petition fee set in 37 CFR §1.17(h) is \$130.00. The late oath or declaration surcharge fee set in 37 CFR §1.16(e) is \$130.00.
- (a) Our check which includes payment of the above fee is enclosed.
  - (b) The Commissioner is authorized to charge any deficiency or credit any overpayment in the enclosed fees to our Deposit Account No. 500663. A duplicate of this paper is enclosed if required for this purpose.

September 16, 2004  
Date)

  
Mark B. Eisen  
Registration No. 33088

Customer Number: 38735

Enclosures: Fee Payment  
Affidavit of Jenna Wilson

MBE:lf



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



RE:

United States Patent Application Serial No. 10/757,564

Title: METHOD OF MANUFACTURING A FUEL FILLER TUBE

Applicants: WALTHER, Robert and STOETZEL, Detlef

Filed: January 15, 2004

## AFFIDAVIT OF JENNA WILSON

(sworn September 14, 2004)  
JW.

I, Jenna Wilson, of the City of Toronto, AFFIRM THAT:

1. I am patent counsel for Martinrea International Inc. ("Martinrea"), the employer of both applicants in United States Patent Application No. 10/757,564 at the time the invention described in this patent application was made. Accordingly, I have personal knowledge to the matters to which I hereinafter depose, except where my knowledge is stated to be based upon information and belief.

2. I am advised by Gabriel Pascu, in-house legal counsel for Martinrea, that Martinrea employed both Robert Walther and Detlef Stoetzel, the named inventors of Application No. 10/757,564, at the time the invention described therein (the "Invention") was made. Accordingly, by operation of Ontario law Martinrea is the owner of all right, title, and interest in and to the subject matter of the above-noted patent application.

3. A first patent application in respect of the Invention was filed in Canada on January 17, 2003, and was assigned serial number 2,417,248. U.S. Patent Application No. 10/757,564, claiming priority from this first Canadian application, was filed on January 15, 2004. I am advised by Mr. Pascu and verily believe that Mr. Walther's employment was terminated on July 15, 2003, after the Canadian application was filed but before the U.S. application was filed.

4. I am further advised by Mr. Pascu and verily believe that Mr. Walther provided contact information after his employment at Martinrea was terminated. This last known address was 77 Harbour Square, Unit 1504, Toronto, Ontario, Canada M5J 2S2, and his last known telephone number, a mobile number, was (905) 320 5362.

5. I have made diligent efforts to obtain the signature of Mr. Walther on the needed declaration and power of attorney for U.S. Patent Application No. 10/757,564. On Monday, August 30, 2004, I attempted to reach Mr. Walther by telephone to request that he execute a declaration and power of attorney for the above-noted application. I dialled the mobile number (905) 320 5362, but received an automated message from Rogers Wireless (a mobile telephone company) advising that the number I had dialled was not assigned.

6. Also on that day, I attempted to look up an alternate phone number for Mr. Walther. Marked as Exhibit "A" to my affidavit are the printouts of a number of lookup attempts using Canadian directory services yellowpages.ca and canada411.com on the Internet. None of the entries found matched the information I had concerning Mr. Walther.

7. Also on August 30, 2004, I wrote to Mr. Walther enclosing a copy of a blank combined declaration and power of attorney and a copy of U.S. Patent Application No. 10/757,564. I requested by letter that he execute the declaration and power of attorney and return them to me as soon as possible, or alternatively advise me if he would not sign the document. This letter was sent by registered mail to his last known address, above. Marked as Exhibit "B" to my affidavit is a copy of the contents of the registered mail package and the registered mail receipt.

8. Canada Post's website advises that an attempt to deliver the registered mail package was made on September 1, 2004 but that it was not successful. Marked as Exhibit "C" to my affidavit is a copy of the printout from the Canada Post website, www.canadapost.ca, on September 11, 2004.

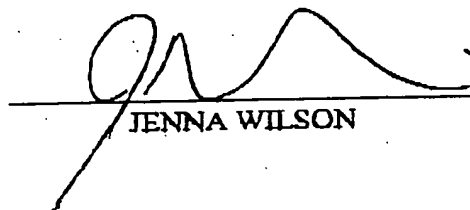
9. Filing of the above-noted U.S. patent application without Mr. Walther's signature is necessary to preserve the rights of the parties and to prevent irreparable damage. A response to file the missing parts for this application is due with a three-month extension of time by September 19, 2004. Failure to grant this petition may result in the U.S. Patent and Trademark Office deeming the application abandoned, thus irreparably harming the joint inventor, Mr. Stoetzel, and the owner of the application, Martinrea.

AFFIRMED BEFORE ME at the City  
of Toronto, in the Province of Ontario,  
on September 17, 2004.



Commissioner for taking affidavits

Etienne de Villiers  
Student-at-law

  
JENNA WILSON

THIS IS EXHIBIT "A" TO THE AFFIDAVIT OF JENNA WILSON

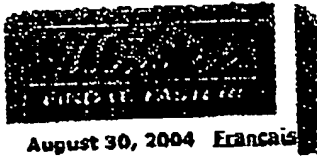
SWORN SEPTEMBER 15, 2004



Etienne de Villiers

A commissioner, etc.

Student-at-law



[Home](#) | [My Yellow](#) | [Sign Up](#) | [Sign In](#)

[Home](#) | [My Yellow](#) | [Business Locator](#) | [People Locator](#) | [Driving Directions](#) | [Products](#) | [About Us](#)  
[People Locator > Listing](#)

You searched for:  
 walther, r



Search Results: 1-13 of 13

Name	Address	City	PR
<a href="#">Walther, R</a>	62 Evelyn Avenue	Keswick	ON
<a href="#">Walther, R</a>	RR 5	Madoc	ON
<a href="#">Walther, R</a>	131 Parkdale Avenue	Ottawa	ON
<a href="#">Walther, Ray</a>	123 Johnson Crescent	Prince Albert	SK
<a href="#">Walther, Robert</a>	654 Rte 391	Remigny	QC
<a href="#">Walther, Roland</a>		Saskatoon	SK
<a href="#">Walther, Ron</a>	275 Douglas	Hope	BC
<a href="#">Walther, Ronald</a>	68 Highgate Drive	Markham	ON
<a href="#">Walther, Rudolph</a>	RR 4	Woodstock	ON
<a href="#">Walther, Ralph A</a>	116 Milford	Liverpool	NS
<a href="#">Walthers, Robert</a>	15911 Trask Road	Oyama	BC
<a href="#">Walthers, Robert</a>	509 rue Hyman	Dollard-des-Ormeaux	QC
<a href="#">Walthers, Robt</a>	7 Park Lane	Kingsville	ON

Search Results: 1-13 of 13



Sponsored by:



[Home](#) | [My Yellow](#) | [Business Locator](#) | [People Locator](#) | [Driving Directions](#) | [Products](#) | [About Us](#)  
 ©1999-2004 Yellow Online Inc. All rights reserved.

# Canada 411™



Say goodbye to video stores

zip.ca

## Partners

- AOL.ca
- Bell Mobility
- Canada.com
- Edo
- globeandmail.com
- NationalPost.com
- Netscape.ca
- Sympatico.ca
- Telus Mobility
- Toronto Transit Commission

## Our City Guides

- CalgaryPlus.ca
- EdmontonPlus.ca
- MontrealPlus.ca
- OttawaPlus.ca
- QuebecPlus.ca
- VancouverPlus.ca
- CanadaPlus.ca
- MySask.com
- MyWinnipeg.com
- Toronto.com

## Search the Web




## Find a Person

Live in Mississauga? No late fee DVD rentals delivered by Zip.ca

[Find Person](#) | [Reverse Phone](#) | [Reverse Address](#) | [Area & Postal Codes](#) | [Help](#)

Search: "walther, ON"

65 Total Listings  
[Previous](#) | [Next](#)

### WALTHER, P

51 of 65

3323 Rymal Rd  
Mississauga, ON  
L4Y 3C2  
(905) 803-9405

[More information](#)

[Did You Go to School with P Walther?](#)  
[Find Romance in Mississauga at Date.ca](#)

### WALTHER, P

52 of 65

3323 Rymal Rd  
Mississauga, ON  
L4Y 3C2  
(905) 897-9390

[More information](#)

[Did You Go to School with P Walther?](#)  
[Find Romance in Mississauga at Date.ca](#)

### WALTHER, P & D

53 of 65

1418 Silversmith Dr  
Oakville, ON L6M 2X3  
(905) 827-3431

[More information](#)

[Did You Go to School with P & D Walther?](#)  
[Find Romance in Oakville at Date.ca](#)

### WALTHER, R

54 of 65

62 Evelyn Ave Rr 1  
Keswick, ON L4P 3C8  
(905) 476-3399

[More information](#)

[Did You Go to School with R Walther?](#)



[Find Romance in Keswick at Date.ca](#)

**WALTHER, R**

55 of 65

RR 5

[More information](#)

Madoc, ON K0K 2K0

(613) 473-4366

[Did You Go to School with R](#)

[Walther?](#)

[Find Romance in Madoc at Date.ca](#)

**WALTHER, RONALD**

56 of 65

68 Highgate Dr

[More information](#)

Markham, ON L3R 3R9

(905) 479-6170

[Did You Go to School with Ronald](#)

[Walther?](#)

[Find Romance in Markham at](#)

[Date.ca](#)

**WALTHER, S & S**

57 of 65

2077 Prospect St

[More information](#)

Burlington, ON L7R 1Z4

(905) 632-9388

[Did You Go to School with S & S](#)

[Walther?](#)

[Find Romance in Burlington at](#)

[Date.ca](#)

**WALTHER, SCOTT**

58 of 65

286 Main St N Rr 1

[More information](#)

Rockwood, ON N0B 2K0

(519) 856-9452

[Did You Go to School with Scott](#)

[Walther?](#)

[Find Romance in Rockwood at](#)

[Date.ca](#)

**WALTHER, T**

59 of 65

25 Greenock Dr

[More information](#)

Kitchener, ON N2E 2J9

(519) 576-1235

[Did You Go to School with T](#)

[Walther?](#)

[Find Romance in Kitchener at](#)

[Date.ca](#)

**WALTHER, T**

60 of 65

RR 1

[More information](#)

Norwich, ON N0J 1P0

(519) 468-3272

[Did You Go to School with T](#)

[Walther?](#)

[Find Romance in Norwich at](#)

[Date.ca](#)

[Previous](#) | [Next](#)

Powered by  
WhitePages.com

© 1996-2004, W3 Data, Inc. All rights reserved. Terms of service and use.  
Advertise with us.

Brought to you by



[Enter Domain](#) | [Enter Domain](#) | [Tail Page Numbers](#) | [Canada U.S. Address](#) | [International Domains](#)  
[FAQ](#) | [Contact Us](#) | [Affiliate Program](#) | [Français](#)

Copyright © 2004 Yellow Pages Group Co. All Rights Reserved  
Canada11 is a trademark of Yellow Pages Group Co. Use under license. Use of the  
information in Canada11 for commercial or illegal purposes is strictly prohibited. Terms of  
Use.



THIS IS EXHIBIT "B" TO THE AFFIDAVIT OF JENNA WILSON

SWORN SEPTEMBER 11, 2004

15 JW

Etienne de Villiers

Etienne de Villiers

A commissioner, etc.

Student-at-law



Registered Domestic  
Régime intérieur



To: **Durham**  
**Mr. Robert Walther**  
**1504 - 77 Harbour Square**  
**Toronto**

FOR DELIVERY  
CONFIRMATION  
1 888 550-6333  
www.postscanada.ca  
www.postescanada.ca

1406-23/JLW  
CUSTOMER RECEIPT  
REÇU DU CLIENT

Declared Value  
\$7.00  
78 568 519 996

JENNA L. WILSON  
Ext. 290  
jwilson@dimock.com

SENT BY REGISTERED MAIL  
PRIVILEGED & CONFIDENTIAL

**URGENT - REPLY REQUIRED**

August 30, 2004

Mr. Robert Walther  
1504 - 77 Harbour Square  
Toronto, Ontario  
M2J 2S2

Mr. Robert Walther  
405-2210 Lakeshore Road  
Burlington, Ontario  
L7R 4J9

Dear Mr. Walther:

Re: **United States Patent Application No. 10/757,564**  
**Title: METHOD OF MANUFACTURING A FUEL FILLER TUBE**  
**Applicant: Martinrea International Inc.**  
**Our File: 1406-23/MBE**

I am writing on behalf of Martinrea International Inc. ("Martinrea"), the assignee of U.S. Patent Application No. 10/757,564. This patent application, "Method of Manufacturing a Fuel Filler Tube" claims priority from Canadian Patent Application No. 2,417,248, which was filed during the time of your employment with Martinrea. You are a named inventor in respect of these patent applications.

Martinrea requires your signature and the date of your signature on the document entitled "Utility Patent Application: Declaration, Power of Attorney" at the place marked. Please call me at (416) 971-7707, collect, to acknowledge receipt of these documents, and courier or fax the signed Declaration and Power of Attorney back to me. You will be reimbursed for any reasonable delivery charges.

If, for some reason, you cannot or will not return the executed Declaration and Power of Attorney back to me by September 13, 2004, please call me collect at (416) 971-7202 or e-mail me at jwilson@dimock.com to let me know.

PAGE:012 R=96%

UNITED STATES

**Utility Patent Application: Declaration, Power Of Attorney**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD OF MANUFACTURING A FUEL FILLER TUBE

the specification of which

☐ is attached hereto.  
☒ was filed on January 15, 2004 as  
 Application Serial No. 10/757,564  
 and was amended on \_\_\_\_\_  
 (if applicable)  
☐ was described and claimed in PCT Application No. \_\_\_\_\_  
 filed on \_\_\_\_\_  
 and was amended under PCT article 19 on \_\_\_\_\_  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to in this Declaration. I acknowledge the duty to disclose all information which is known to me to be material to the patentability of this application in accordance with Title 37, C.F.R. §1.56.

**PRIORITY CLAIM (35 USC § 119)**

I hereby claim foreign priority benefits under Title 35, United States Code §119 and §172 of any foreign application(s) for patent or inventor's certificate(s) listed below and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application from which priority is claimed:

Prior Foreign Application(s):			Priority Claimed	
			Yes	No
<u>2,417,248</u>	<u>Canada</u>	<u>17 January 2003</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(number)	(country)	(date filed)		
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(number)	(country)	(date filed)		
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(number)	(country)	(date filed)		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined by Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Type of Application	Appln. Serial No.	Filing Date	Status (issued, pending, abandoned)
<input type="checkbox"/> U.S. <input type="checkbox"/> PCT	_____	_____	_____
<input type="checkbox"/> U.S. <input type="checkbox"/> PCT	_____	_____	_____
<input type="checkbox"/> U.S. <input type="checkbox"/> PCT	_____	_____	_____

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing therefrom.

### APPOINTMENT OF ATTORNEY

I hereby appoint Mark B. Eisen (Registration No. 33088), Dino P. Clarizio (Registration No. 37572) and David M. Reive (Registration No. 38792) as my attorneys and agents to prosecute this application, to make alterations and amendments thereto, to receive the patent and all correspondence relating to this application, and to transact all business in the U.S. Patent and Trademark Office connected therewith, and my attorneys are hereby given full power of substitution and revocation.

Address all correspondence and telephone calls to:

Mark B. Eisen  
c/o Dimock Straton Clarizio LLP  
20 Queen Street West  
Suite 3202, Box 102  
Toronto, Ontario  
Canada M5H 3R3

Telephone No. (416) 971-7202  
Facsimile No. (416) 971-6638

Full name of sole or first inventor WALTHER, Robert  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence (city, state, country) Burlington, Ontario, Canada  
Citizenship Canadian  
Post Office Address 2210 Lakeshore Road East, Unit #405, Burlington, Ontario, Canada L7P 4J9

Full name of second joint inventor, if any STOETZEL, Delef  
 Inventor's signature [Signature] Date: May 16 2004  
 Residence (city, state, country) Mississauga, Ontario, Canada  
 Citizenship Canadian German  
 Post Office Address 816-250 Webb Drive, Mississauga, Ontario, Canada L5B 3Z4  
35 Powers Avenue & Hwy, Etobicoke, ON, M1J 2Z8

## METHOD OF MANUFACTURING A FUEL FILLER TUBE

### Field of the Invention

[0001] This invention relates to methods of manufacture. In particular, this invention relates to a method of manufacturing a fuel filler tube for an automobile or other liquid fuel-powered vehicle or device.

### Background of the Invention

[0002] Today's automobiles are still largely powered by gasoline. While there are certain exceptions, such as propane-powered vehicles, the gasoline engine remains by far the motor of choice for automobiles and other land vehicles.

[0003] One of the advantages to the gasoline engine is the widespread availability of gasoline from conveniently located filling stations. Such filling stations are typically staffed by unskilled personnel, who serve customers by pumping gasoline from a gasoline pump into the gas tank. Most filling stations also offer a self-serve function, whereby an automobile user can operate the gasoline pump himself or herself, and fill the tank of their vehicle at a lower rate.

[0004] In order to maximize the number of vehicles which can be served by a gasoline pump over a given period of time, and thus to maximize profits, such gasoline pumps are capable of dispensing gasoline quite rapidly. While this considerably increases convenience to the user, it raises a number of design issues.

[0005] Because gasoline is such a volatile fuel, safety is a primary concern in the filling of land vehicles. Automobile manufacturers have addressed this concern in many ways, one of which is to design fuel filler tubes into which the gasoline is pumped from a standardized gasoline pump nozzle. To accommodate the rapid dispensing rate and lack of skill of the typical user, these fuel filler tubes are carefully engineered to ensure the fastest and most effective transfer of fuel from the filler nozzle to the gas line that leads to the fuel tank. The ideal configuration for a fuel filler tube has been determined to provide an enlarged filling end which is cylindrical and merges eccentrically into a constricted body portion; the body portion in turn leading in an expanded, oval-shaped terminal end in which the gas line is affixed.

along with an air breather line, by a cap. The body portion has an undulating cross section with precisely formed diameters and radii, which minimize splashing, eddys, mechanical resistance etc. as the fuel falls into the gas line. This design is well known to those skilled in the art.

[0006] In order to achieve this ideal configuration, the fuel filler tube should be constructed within tolerances (inside diameter, outside diameter and wall thickness) of 200  $\mu\text{m}$  or less. Accordingly, fuel filler tubes are conventionally manufactured according to a hydroforming process, whereby a pre-bent tubular blank is inserted into a hydroforming mold or dye, and a pressurizing fluid such as water is injected into the tube under high pressure, forcing the tube to expand and take the shape of the dye. Hydroforming presents an important advantage in such a manufacturing process: the outside configuration of the tube is determined entirely by the shape of the hydroforming dye, and tolerances can therefore be consistently controlled. Also, hydroforming replaces the conventional half-shell construction method (stamping left and right parts and welding them together) with a single-piece construction, which avoids weld seams for better structural integrity and increased safety.

[0007] Thus, fuel filler tubes are conventionally produced according to the following steps (workflow only, without storage and logistic movements):

- 1) Cutting the tube to an oversized length.
- 2) Bending the tube to a shape that will fit into the hydroforming dye.
- 3) Lubricating the outside of the tube to reduce friction between the workpiece and the hydroforming dye.
- 4) Pre-forming the part with internal pressure (expanding to a proform)
- 5) Washing the tube.
- 6) Annealing the tube to reduce brittleness.
- 7) Lubricating the outside of the tube to reduce friction between the workpiece and the hydroforming dye.



8) Pressurizing the tube, forcing the tube to expand to the shape of the hydroforming dye, final form.

9) Washing the tube.

10) Trimming (cutting) the excess material from the ends of the tube using a laser or mechanical means to achieve the desired finished length.

[0008] This conventional method involves a number of steps, and is capable of producing a fuel filler tube having a wall thickness of approximately 2 mm, with tolerances of approximately 200  $\mu$ m. However, this process is quite expensive, particularly over the production of hundreds of thousands of fuel filler tubes, both in terms of the equipment and labour required to produce the fuel filler tube and in the actual material used, typically stainless steel of a thickness approximating 2 mm. Furthermore, hydroforming the bent tubular blank from a tube having a uniform cross-sectional diameter to the significantly larger diameters of the inlet and terminal ends, while retaining a constricted body portion, applies considerable stress to the preformed blank which is difficult to control and can result in a large number of flawed products, with weak spots being particularly prevalent along the rounded sides of the ovate terminal end and the eccentric neck of the inlet end.

[0009] It would accordingly be advantageous to provide a method of manufacturing a fuel filler tube which requires fewer manufacturing steps and produces a product having a thinner wall thickness, but with tolerances comparable to or better than those achieved by the conventional method.

#### Summary of the Invention

[0010] The present invention provides a method of manufacturing a fuel filler tube that significantly reduces the number of manufacturing steps. The method of the invention can produce a fuel filler tube within the desired tolerances but having a wall thickness much smaller than that produced according to conventional methods.

[0011] In the preferred embodiment, the invention accomplishes this by pre-forming a tubular blank to an intermediate configuration, and then hydroforming the preformed intermediate tube to final form using a pressurizing fluid, to control the

radial expansion of the tube, and axial compression for controlling the axial length of the tube and, in conjunction therewith, its wall thickness.

[0012] The method of the invention accordingly provides a less expensive and faster process for manufacturing a fuel filler tube within the exacting tolerances required to optimize fuel flow through the tube, using less material than conventional processes, and which provides greater control over the parameters of the final product. The method according to the invention does not require annealing of the tubular blank, lubrication of the tube within the hydroforming dye or washing of the tube upon removal from the hydroforming dye. The elimination of these steps results in a significant cost and time savings in the production of the fuel filler tube over a typical production run.

[0013] The invention further increases the strength of component, and thus increases safety; improves the surface quality of the finished product; produces a lighter component, which is more fuel-efficient; allows other materials (e.g. aluminium) to be used; and reduces losses from the fuel filling system, thus reducing air pollution and increasing fuel-efficiency through reduced fuel losses.

[0014] The present invention thus provides a method of manufacturing a fuel filler tube in a hydroforming dye having a cavity of a final configuration of the fuel filler tube, comprising the steps of: a. cutting a blank to a desired length; b. forming an intermediate preform having enlarged and constricted portions corresponding to enlarged and constricted portions of the fuel filler tube; c. bending the intermediate preform if required to fit into the hydroforming dye; and d. disposing the intermediate preform in the hydroforming dye and injecting the hydroforming fluid under pressure into the intermediate preform, to expand the intermediate preform to the final configuration.

[0015] In further aspects of the method of the invention: step a. involves the sub-step of cutting a flat blank with wide and narrow portions corresponding to enlarged and constricted portions of the intermediate preform and step b. comprises the sub-step of rolling the flat blank into a tube; the blank is formed from a plurality of different materials; step d. comprises the sub-step of inserting or retracting a

pressurizing member in the hydroforming dye to control the length or wall thickness, or both, of the fuel filler tube; and/or the pressurizing member comprises a filler nozzle for injecting pressurized fluid during hydroforming.

[0016] The invention further provides a fuel filler tube produced according to the method.

#### Brief Description of the Drawings

[0017] In drawings which illustrate by way of example only a preferred embodiment of the invention,

[0018] Figure 1 is a schematic view of a bent tubular blank for use in a conventional fuel filler tube manufacturing process.

[0019] Figure 2 is a perspective view of a fuel filler tube produced according to a conventional hydroforming process before trimming of the ends.

[0020] Figure 3 is a partial perspective view (filling end) of a flat blank pre-cut for multi-diameter tubing.

[0021] Figure 4 is a partial perspective view (filling end) of the blank of Figure 3 rolled into tubular form to create an intermediate tubular blank for hydroforming.

[0022] Figure 5 is a side elevation of a fuel filler tube produced according to the method of the invention.

[0023] Figure 6 is a perspective view of the fuel filler tube of Figure 5,

[0024] Figure 7 is a perspective view of a hydroforming filler nozzle according to the invention,

[0025] Figure 8 is a perspective view of a hydroforming end nozzle according to the invention, and

[0026] Figures 9A and 9B are cross-section of a hydroforming dye utilizing the hydroforming nozzles of Figures 7 and 8.

### Detailed Description of the Invention

[0027] The method of manufacturing a fuel filler tube 10 according to the invention will be described with reference to the drawings. Figures 5 and 6 show a typical fuel filler tube 10 for an automobile, however it will be appreciated that fuel filler tubes are used in other vehicle (and nonvehicle) applications, and the method of the invention can be applied to such applications as well. The preferred material used for the fuel filler tube illustrated is 304 L stainless steel, however other materials may be suitable for any particular application and the invention is not limited thereby.

[0028] The method according to the invention involves the following steps:

[0029] 1. Cutting the blank 2 or 4 to length. A blank 2 or 4 is cut from the selected material of the desired wall thickness, taking into account the desired final length and wall thickness which will be controlled through distortion of the blank during the hydroforming process, described in greater detail below. The blank may be a flat blank 2 for multi-diameter tube forming, as shown in Figure 4, or a tubular blank 4 such as that illustrated in Figure 1.

[0030] 2. Forming the intermediate tubular preform 20. The intermediate tubular preform 20, shown in Figure 4, is produced according to a rough forming process, to provide enlarged and constricted portions 22, 24 smaller than, but generally approximating, the enlarged portions (filling end 12, terminal end 14) and constricted portions (body portion 16) of the final fuel filler tube 10. This can be accomplished a number of ways.

[0031] In the preferred embodiment, an intermediate tubular preform 20, illustrated in Figure 4, is created out of a pre-shaped flat blank 2 such as that shown in Figure 3, cut with wider portions 22 and narrower portions 24 corresponding to the larger and smaller diameters of the desired intermediate preform. The flat blank 2 is then rolled to produce the tubular preform illustrated in Figure 4. This process is known as "multi-diameter tubing" and produces a tube that has varying diameters.

[0032] In particular, the production of multi-diameter tubing comprises the steps of cutting a shaped blank; press forming the blank into the tubular preform shape, and

laser welding the seam. This process inherently eccentrically aligns the enlarged and constricted portions 22, 24, however the eccentricity is adjusted (or eliminated, as desired) in the hydroforming dye 30.

[0033] Alternatively, a tubular blank (not shown) having an outside diameter approximating the largest outside diameter of the intermediate preform is provided with a constricted portion corresponding to the constricted portion of the fuel filler tube 10. This can be accomplished by rotary swaging, spin forming and/or any other suitable technique or combination thereof.

[0034] Rotary swaging or spinning the preform, for example, typically involves the steps of cutting a tube to an oversized length; preforming the tube by rotary swaging or spinning (cold forming); and annealing the tube to reduce brittleness if required, depending on the material used.

[0035] 3. Bending the intermediate tubular preform 20, if required. The intermediate tubular preform 20 is machine-bent to a configuration which will allow it to fit into the hydroforming dye 30. If the intermediate tubular preform fits into the cavity in the hydroforming dye without bending, then this step is not required.

[0036] 4. Positioning the bent intermediate tubular preform 20 into the hydroforming dye 30. The preform 20 may be lubricated, if desired. However, in the method of the invention lubrication is optional, because the intermediate tubular preform 20 has been pre-formed to roughly the final configuration of the cavity in the hydroforming dye 30, so the degree of movement of the tube wall during hydroforming is minimal.

[0037] 5. Inject a hydroforming fluid to pressurize the intermediate tubular preform 20. In the preferred embodiment, an injection nozzle 40, illustrated in Figure 7, is slideably disposed in the hydroforming dye 30 at the filling end of the intermediate tubular preform 20, as shown in Figure 9B, and an end nozzle 50, illustrated in Figure 8, is slideably disposed in the hydroforming dye 30 at the terminal end of the intermediate tubular preform 20 as shown in Figure 9B.

[0038] The injection nozzle 40 comprises a spigot 42 conforming in configuration to the interior of the filling end of the intermediate tubular preform 20, projecting from a shoulder 44 formed on a shank 46. An inlet 48 for the pressurized fluid, fed by a pressurizing apparatus (not shown), is in fluid communication with an outlet 49 for conveying the fluid into the interior of the intermediate tubular preform 20.

[0039] At the terminal end of the intermediate tubular preform 20, the end nozzle 50 comprises a spigot 52 conforming in configuration to the interior of the terminal end of the intermediate tubular preform 20, projecting from a shoulder 54 formed on a shank 56.

[0040] As the intermediate tubular preform 20 is pressurized the nozzles 40, 50 can be inserted into or retracted from the hydroforming dye 30, to control axial expansion and compression of the intermediate tubular preform 20. This axial compression/expansion determines not only the length of the final fuel filler tube 10, but also its wall thickness; compression of the ends of the intermediate tubular preform 20 in the hydroforming dye 30 feeds material further into the hydroforming dye 30 as the intermediate tubular preform 20 is radially expanded by the pressurizing fluid, to reduce length and increase wall thickness.

[0041] The hydroformed fuel filler tube 10 so constructed is then removed from the hydroforming dye 30, and optionally can be cleaned and inspected for quality control.

[0042] The method according to the invention not only produces a fuel filler tube 10 having the desired tolerances, rigidity, wall thickness etc. required by the automobile industry, but does so through a fraction of the number of steps involved in the conventional fuel filler tube manufacturing process.

[0043] The fuel filler tube 10 according to the invention can be produced to a thickness between 0.5 mm and 1 mm, and because the axial compression of the slidable nozzles 40, 50 allows the length of the fuel filler tube to be adjusted during hydroforming, through experimentation the blank length can be selected so as to avoid

the requirement for any trimming of the finished product. This results in a savings in both process steps and material costs.

[0044] In the preferred embodiment, the desired eccentric relation between the filling end 12 and the body portion 14 of the fuel filler tube 10 is achieved as the hydroforming die 30 is closed. However, it is also possible to produce this configuration through the hydroforming process itself.

[0045] Also, in the preferred embodiment using a flat blank 2 rolled into the intermediate tubular preform 20, as shown in Figures 3 and 4, preferably the seam 21 is laser welded. The position of the seam 21 may be selected to avoid running the seam through pronounced topological features; for example it may be desirable to have the seam running between dimples 18a in the neck 18 rather than along the floor of a dimple 18a. This should be considered when the flat blank 2 is cut.

[0046] The use of the flat blank 2 further allows for additional features to be incorporated into the fuel filler tube 10. For example, for crash protection and explosion resistance it may be advantageous to produce the body portion 16 from a material different from the filling end 12 or the terminal end 14 of the fuel filler tube 10. This is easily accomplished using a composite flat blank 2, such as that illustrated in Figure 3 where, for example one portion 2a is formed from a first material and another portion 2b is formed from a second material, each material having a different strength and crash resistance.

[0047] Various embodiments of the present invention having been thus described in detail by way of example, it will be apparent to those skilled in the art that variations and modifications may be made without departing from the invention. The invention includes all such variations and modifications as fall within the scope of the appended claims.

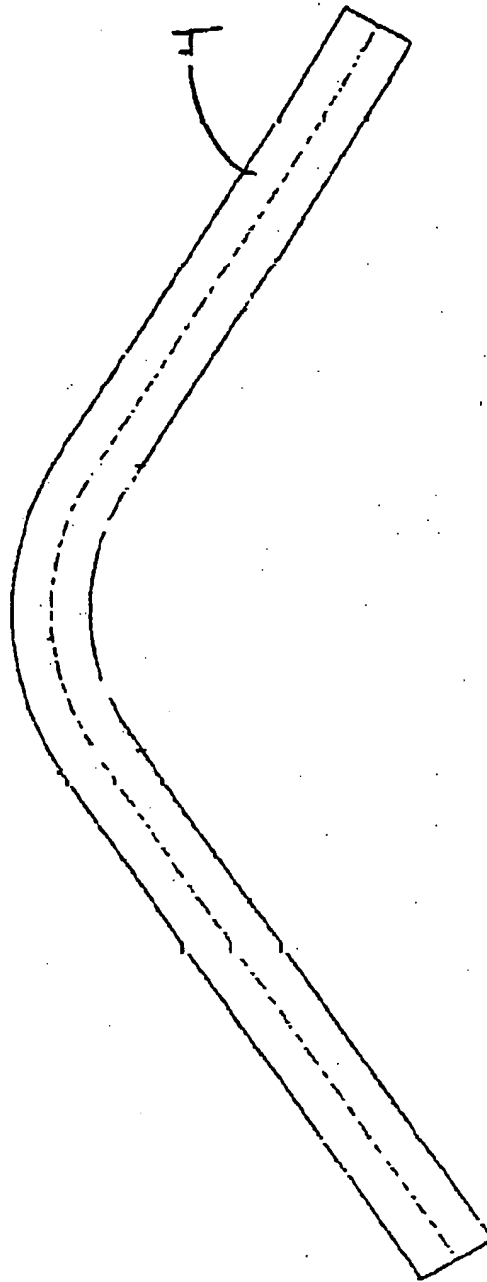
**WHAT IS CLAIMED IS:**

1. A method of manufacturing a fuel filler tube in a hydroforming dye having a cavity of a final configuration of the fuel filler tube, comprising the steps of:
  - a. cutting a blank to a desired length;
  - b. forming an intermediate preform having enlarged and constricted portions corresponding to enlarged and constricted portions of the fuel filler tube;
  - c. bending the intermediate preform if required to fit into the hydroforming dye; and
  - d. disposing the intermediate preform in the hydroforming dye and injecting the hydroforming fluid under pressure into the intermediate preform, to expand the intermediate preform to the final configuration.
2. The method of claim 1 in which step a. involves the sub-step of cutting a flat blank with wide and narrow portions corresponding to enlarged and constricted portions of the intermediate preform and step b. comprises the sub-step of rolling the flat blank into a tube.
3. The method of claim 2 wherein the blank is formed from a plurality of different materials.
4. The method of claim 1 wherein step d. comprises the sub-step of inserting or retracting a pressurizing member in the hydroforming dye to control the length or wall thickness, or both, of the fuel filler tube.
5. The method of claim 4 wherein the pressurizing member is a nozzle for injecting pressurized fluid during hydroforming.
6. A fuel filler tube produced according to the method of claim 1



**ABSTRACT**

The present invention provides a method of manufacturing a fuel filler tube that significantly reduces the number of manufacturing steps. In the preferred embodiment, a tubular blank is pre-formed to an intermediate configuration approximating the form of the final fuel filler tube, and then through hydroforming the intermediate tubular preform is formed to final form. The preferred embodiment of the invention uses axial compression for controlling the axial length of the tube and its wall thickness. The method of the invention uses less material than conventional processes, and provides greater control over the parameters of the final product while eliminating many steps of the conventional process.



1.5

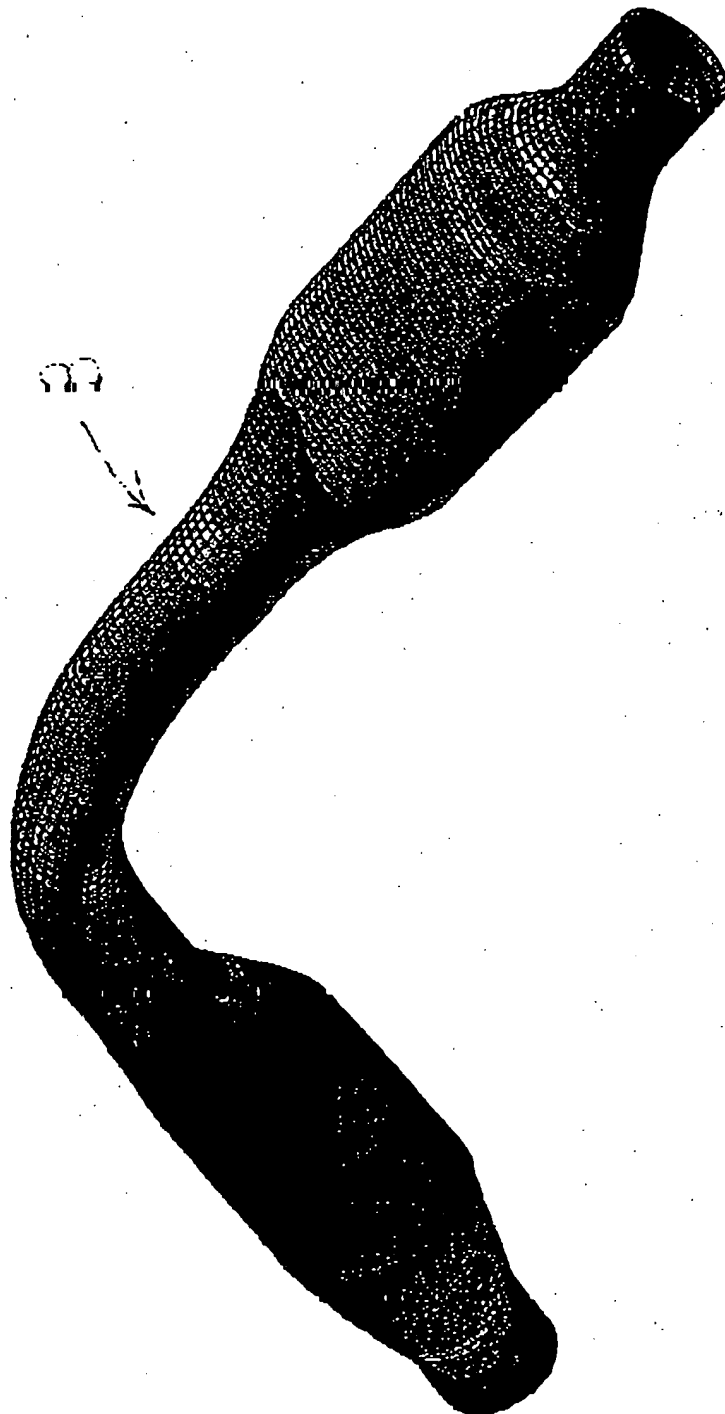
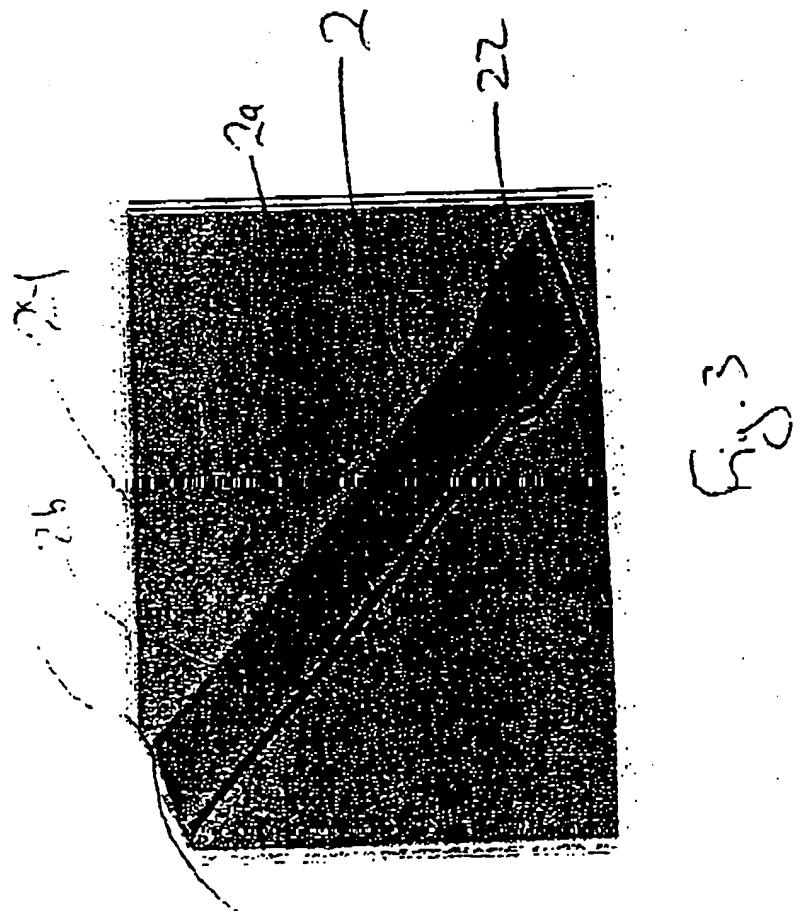
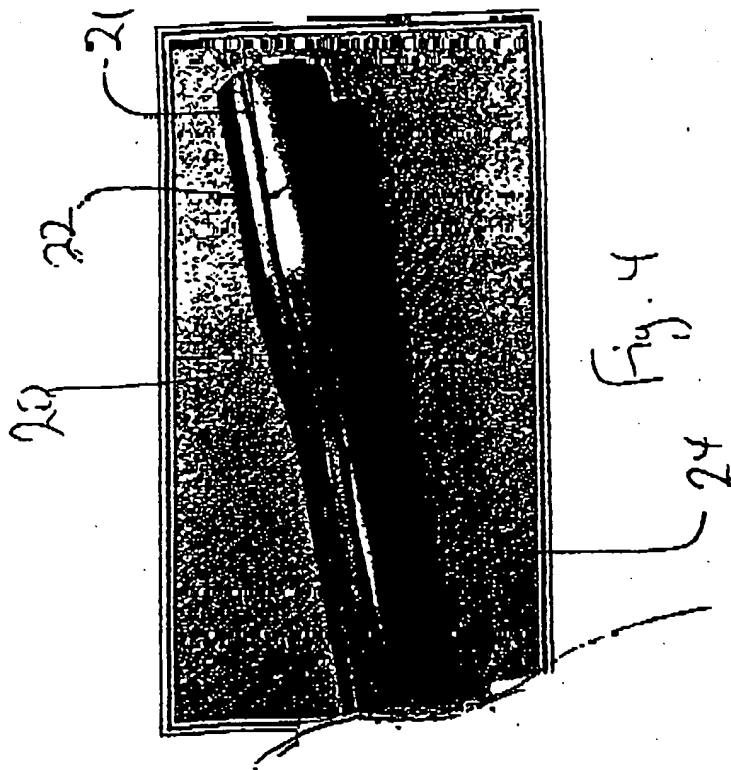


Fig. 2



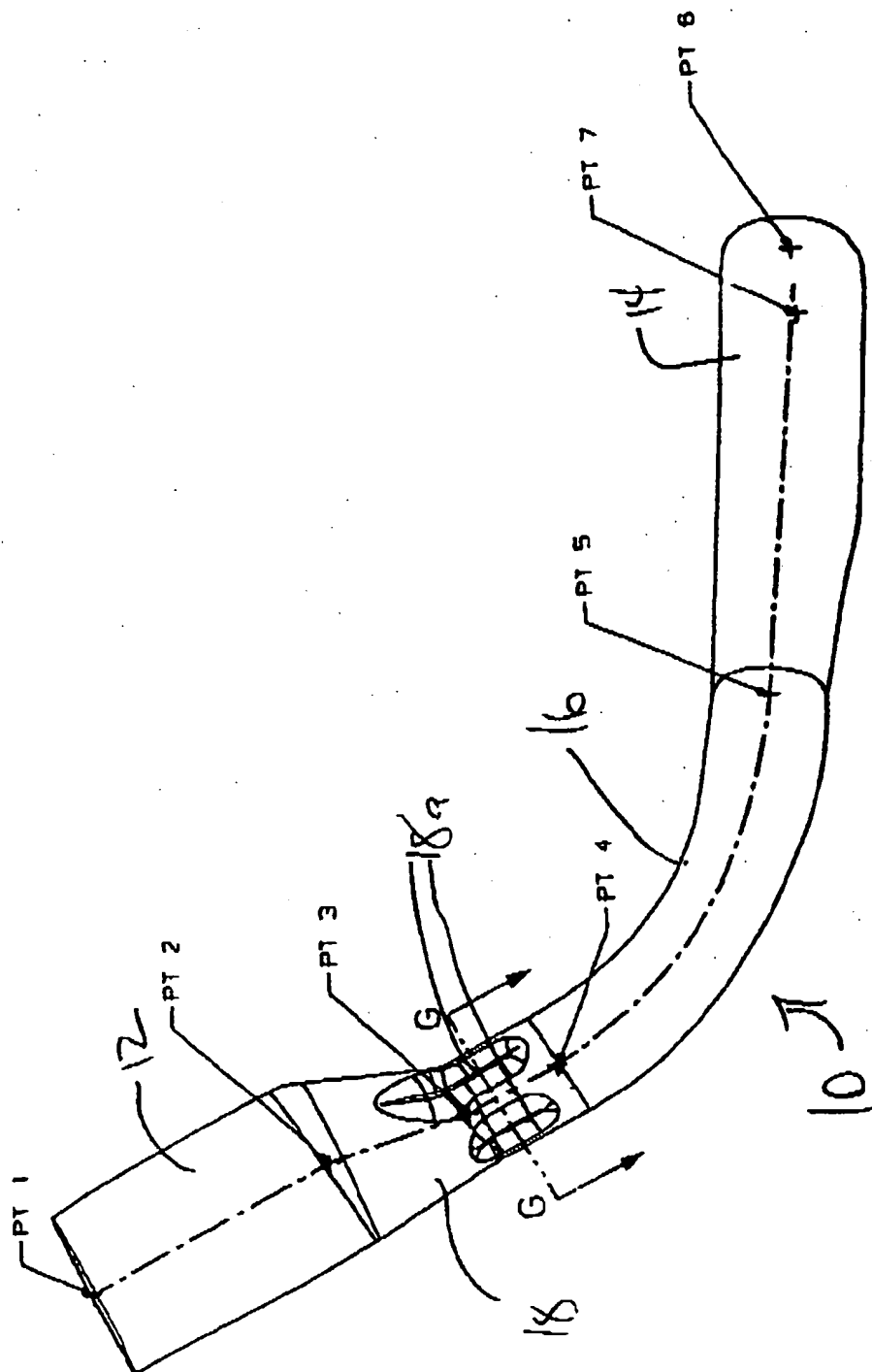


Fig. 5

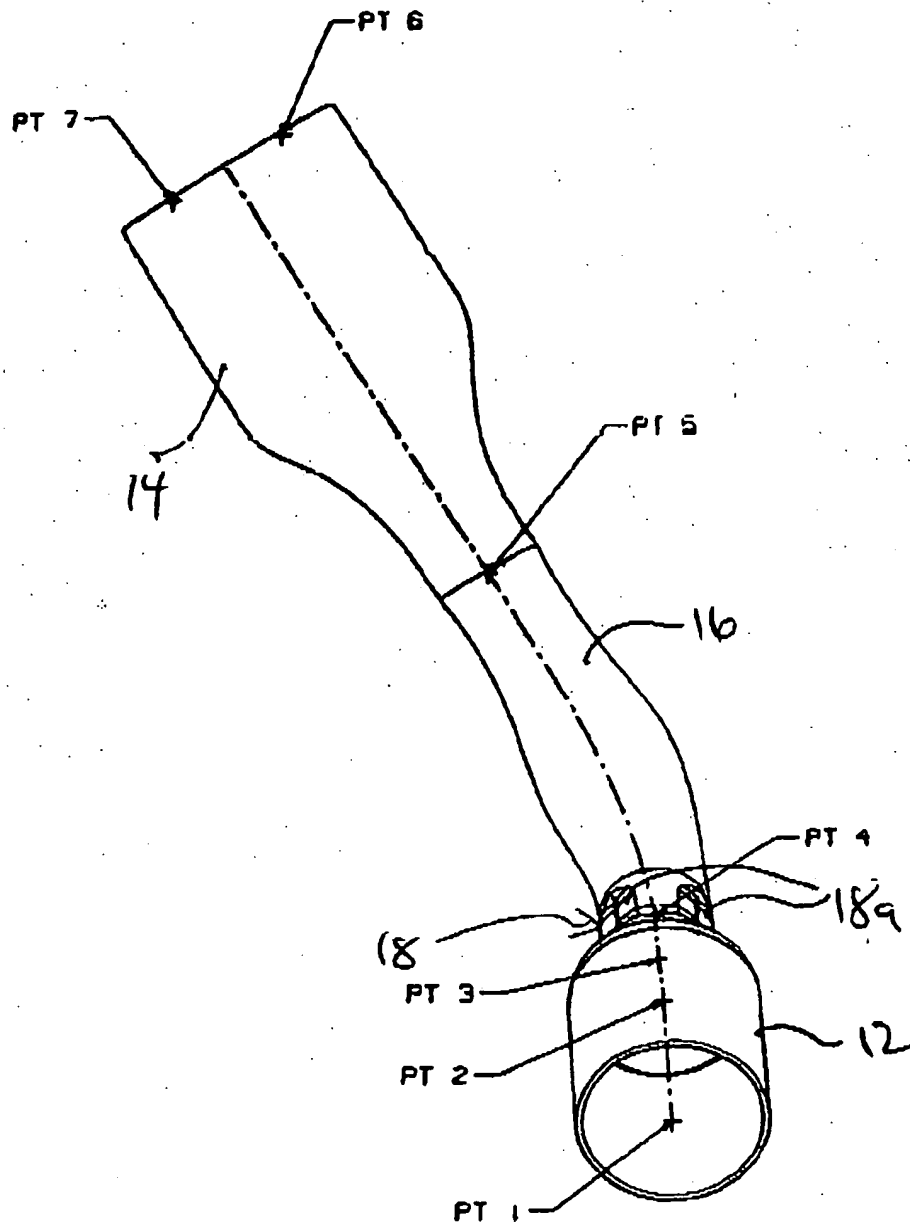
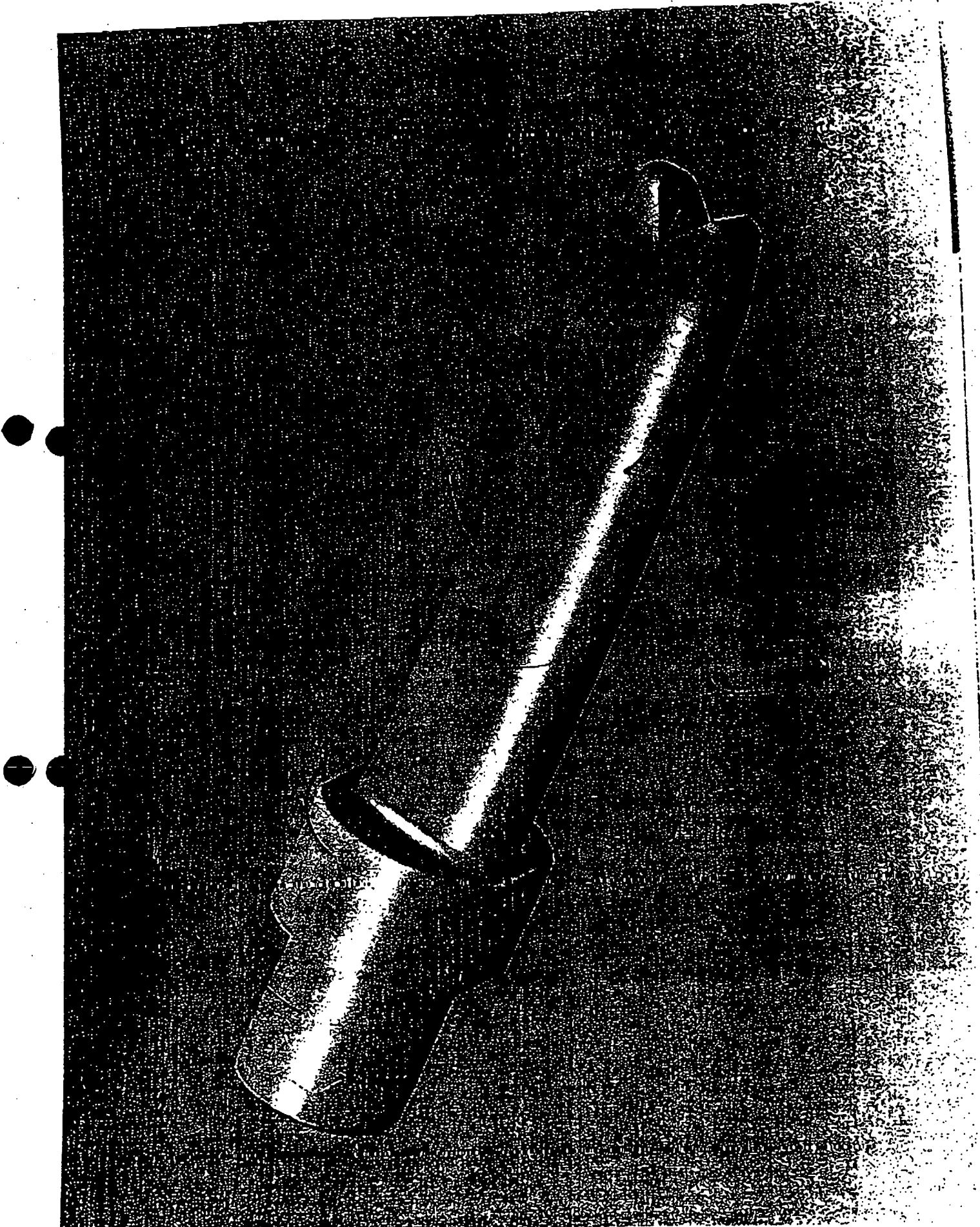
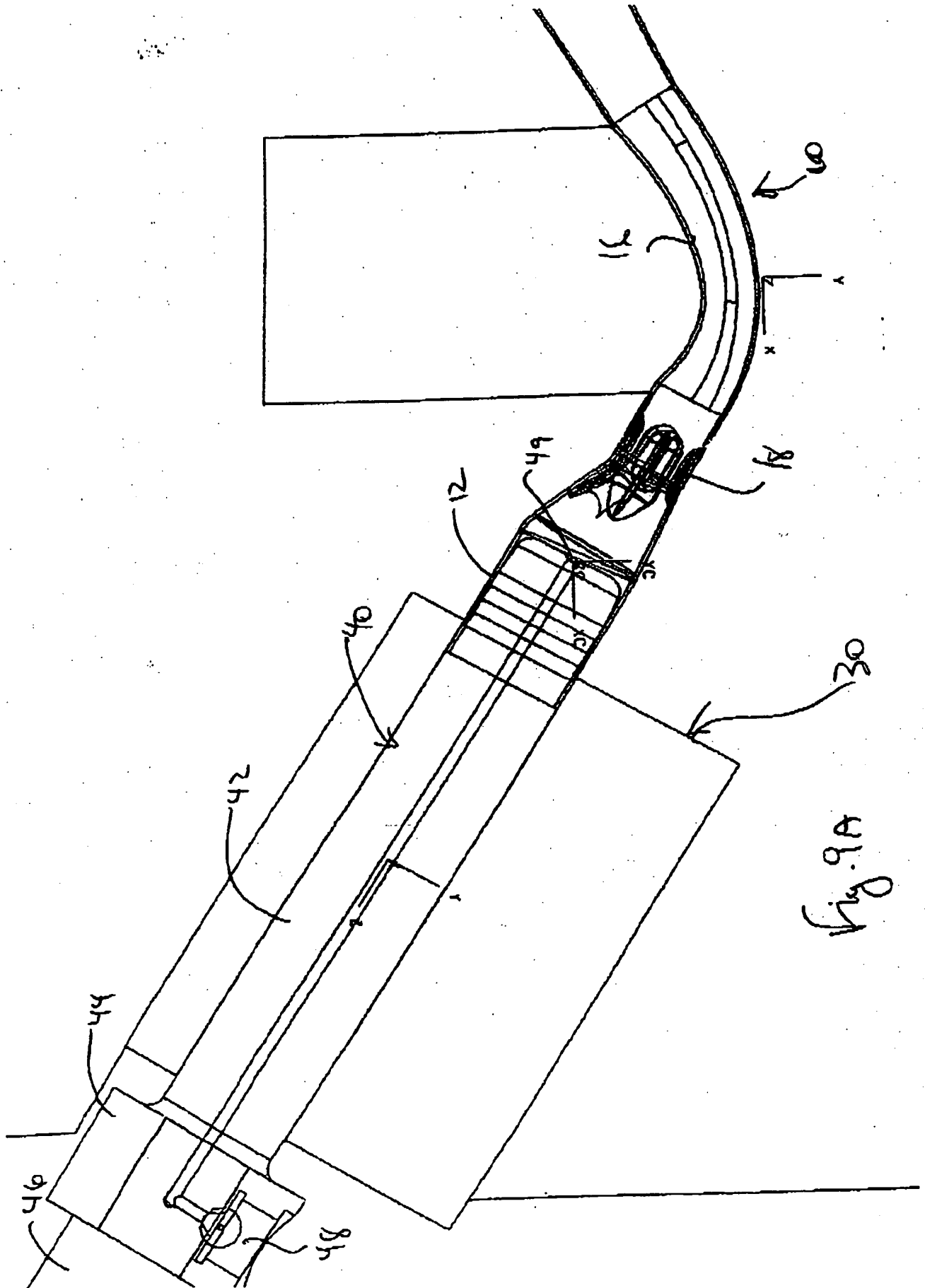


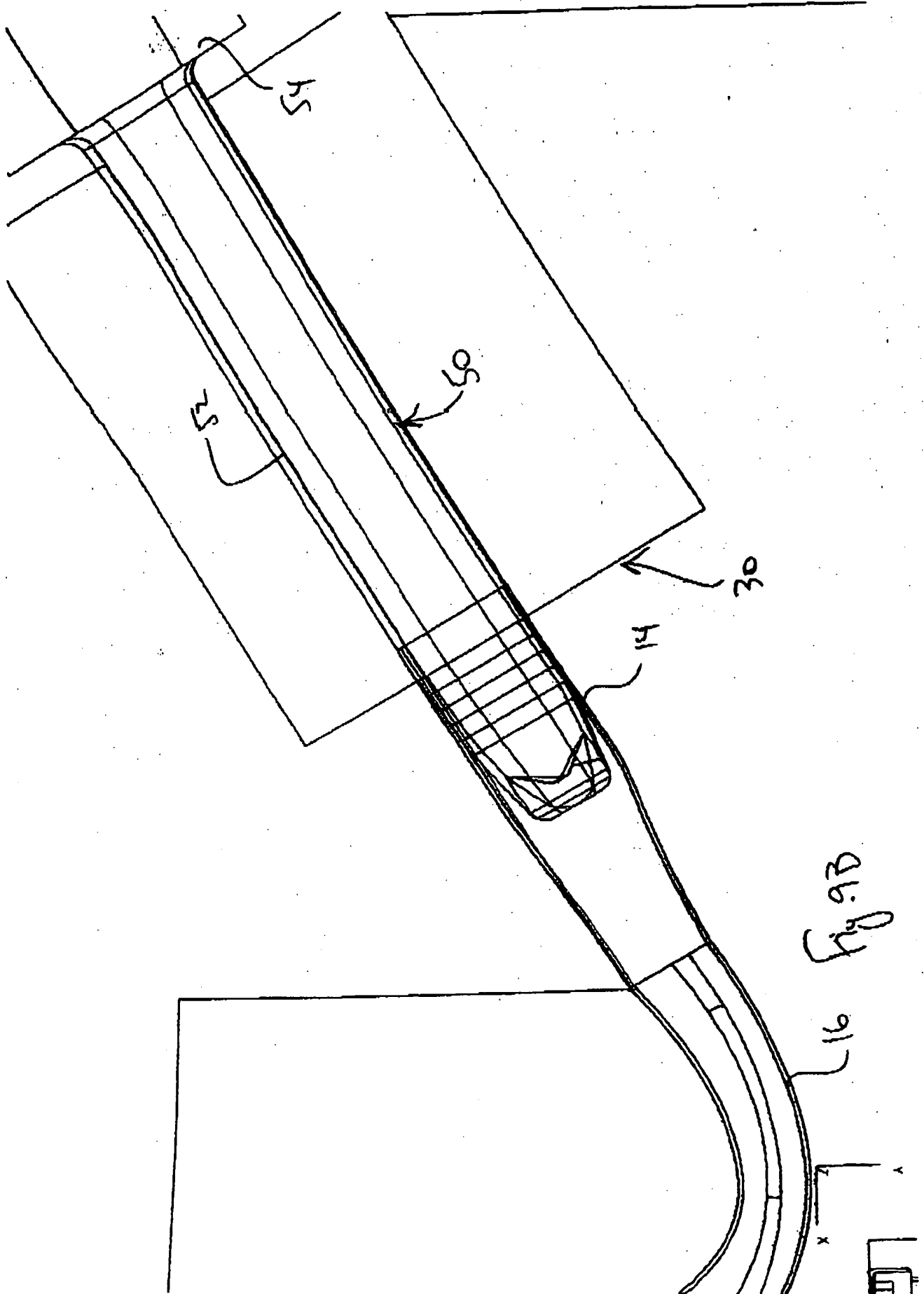
Fig. 6.











UNITED STATES

**Utility Patent Application: Declaration, Power Of Attorney**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD OF MANUFACTURING A FUEL FILLER TUBE

the specification of which

- ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)  
☐ was described and claimed in PCT Application No. \_\_\_\_\_  
filed on \_\_\_\_\_  
and was amended under PCT article 19 on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to in this Declaration. I acknowledge the duty to disclose all information which is known to me to be material to the patentability of this application in accordance with Title 37, C.F.R. §1.56.

**PRIORITY CLAIM (35 USC § 119)**

I hereby claim foreign priority benefits under Title 35, United States Code §119 and §172 of any foreign application(s) for patent or inventor's certificate(s) listed below and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application from which priority is claimed:

Prior Foreign Application(s):

			Priority Claimed	
			Yes	No
<u>2,417,248</u>	<u>Canada</u>	<u>17 January 2003</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(number)	(country)	(date filed)		
<u>                    </u>	<u>                    </u>	<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>
(number)	(country)	(date filed)		
<u>                    </u>	<u>                    </u>	<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>
(number)	(country)	(date filed)		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined by Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Type of Application	Appln. Serial No.	Filing Date	Status (issued, pending, abandoned)
<input type="checkbox"/> U.S. <input type="checkbox"/> PCT	_____	_____	_____
<input type="checkbox"/> U.S. <input type="checkbox"/> PCT	_____	_____	_____
<input type="checkbox"/> U.S. <input type="checkbox"/> PCT	_____	_____	_____

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing therefrom.

### APPOINTMENT OF ATTORNEY

I hereby appoint Mark B. Eisen (Registration No. 33088), Dino P. Clarizio (Registration No. 37572) and David M. Reive (Registration No. 38792) as my attorneys and agents to prosecute this application, to make alterations and amendments thereto, to receive the patent and all correspondence relating to this application, and to transact all business in the U.S. Patent and Trademark Office connected therewith, and my attorneys are hereby given full power of substitution and revocation.

Address all correspondence and telephone calls to:

Mark B. Eisen  
c/o Dimock Stratton Clarizio LLP  
20 Queen Street West  
Suite 3202, Box 102  
Toronto, Ontario  
Canada M5H 3R3

Telephone No. (416) 971-7202  
Facsimile No. (416) 971-6638

Full name of sole or first inventor WALTHER, Robert  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence (city, state, country) Burlington, Ontario, Canada  
Citizenship Canadian  
Post Office Address 2210 Lakeshore Road East, Unit #405, Burlington, Ontario, Canada L7R 4J9

Full name of second joint inventor, if any STOETZEL, Detlef  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence (city, state, country) Mississauga, Ontario, Canada  
Citizenship Canadian  
Post Office Address 816-250 Webb Drive, Mississauga, Ontario, Canada L5B 3Z4

THIS IS EXHIBIT "C" TO THE AFFIDAVIT OF JENNA WILSON

SWORN SEPTEMBER 11, 2004  
15 Jw



Etienne de Villiers  
A commissioner, etc.

Student-at-law



# Track a Package

Help Exit

## Detailed Item Information

Item Number: 78566519996  
Product Type: Registered Mail

Date of Event	Time of Event	Location	Description	Retail Location	Signatory Name
2004/09/01	12:17	TORONTO, ON	Received at retail outlet		
2004/09/01	AM	TORONTO, ON	Attempted delivery, notification left		
2004/09/01	10:43	TORONTO, ON	In transit to retail outlet	HARBOUR SQUARE	
2004/09/01	07:45	TORONTO, ON	Out for delivery		
2004/08/30	15:41	TORONTO, ON	Received by Canada Post		

- Request Delivery Notification email ?
- Remove Delivery Notification email ?
- Email This Page ?

Shipping Options and Features for this Item:  
Signature Required

If you require assistance, please click the question marks (?) next to the fields on your screen (where available), or visit the help section by clicking the **Help** button on the upper-right of your screen.

Canada

Legal, Copyright, Privacy & Security

© 2003 Canada Post

from anywhere...  
to anyone

# MESSAGE CONFIRMATION

OCT-21-2004 04:29 PM THU

FAX NUMBER :  
NAME :

NAME/NUMBER : \*223\*14060023\*17033059822  
PAGE : 3  
START TIME : OCT-21-2004 04:28PM THU  
ELAPSED TIME : 00' 54"  
MODE : STD ECM  
RESULTS : [ O.K ]

ENTERED OCT 21 2004



**DIMOCK STRATTON LLP**

*Barristers and Solicitors • Patent and Trade-Mark Agents*

**FAX**

DATE: October 21, 2004

TO: NAME & FIRM	PHONE #	FAX #
Office of Initial Patent Examination United States Patent and Trademark Office GROUP ART UNIT: 3751	1-703-308-1202	1-703-305-9822

FROM: Mark B. Eisen

OUR FILE: 1406-23/MBE

TOTAL PAGES SENT (including this page): 3

Confirmation of facsimile to follow: ☐ Yes ☒ No, unless requested

If you do not receive all the pages of this facsimile clearly,  
please call Liz Forster at (416) 971-7202.

**NOTES:**

**Re: U.S. Patent Application No. 10/757,564**

**Documents Enclosed:** Response to Notice of Incomplete Reply (Nonprovisional); copy of Notice of Incomplete Reply (Nonprovisional).

This fax may contain information which is confidential and privileged. If you are not the intended recipient of this fax, you are not permitted to make use of this fax.

If you have received this in error, please notify the sender.

20 Queen Street West, Suite 3202, Box 102, Toronto, Ontario Canada M5H 3R3  
Tel: (416) 971-7202 Fax (416) 971-6638  
E-mail: firm@dimock.com • www.dimock.com





**DIMOCK STRATTON LLP**

*Barristers and Solicitors • Patent and Trade-Mark Agents*

**FAX**

DATE: October 21, 2004

TO: NAME & FIRM	PHONE #	FAX #
<b>Office of Initial Patent Examination</b> United States Patent and Trademark Office GROUP ART UNIT: 3751	1-703-308-1202	<b>1-703-305-9822</b>

FROM: Mark B. Eisen

OUR FILE: 1406-23/MBE

TOTAL PAGES SENT (including this page): 3

Confirmation of facsimile to follow: ☐ Yes ☒ No, unless requested

If you do not receive all the pages of this facsimile clearly,  
please call Liz Forster at (416) 971-7202.

**NOTES:**

**Re: U.S. Patent Application No. 10/757,564**

***Documents Enclosed: Response to Notice of Incomplete Reply (Nonprovisional); copy of Notice of Incomplete Reply (Nonprovisional).***

This fax may contain information which is confidential and privileged. If you are not the intended recipient of this fax, you are not permitted to make use of this fax.

**If you have received this in error, please notify the sender.**

20 Queen Street West, Suite 3202, Box 102, Toronto, Ontario Canada M5H 3R3  
Tel: (416) 971-7202 Fax (416) 971-6638  
E-mail: firm@dimock.com • www.dimock.com



**DIMOCK STRATTON LLP**  
*Intellectual Property Law*

**MARK B. EISEN**  
Ext. 242  
meisen@dimock.com

*Certified by the Law Society as a Specialist  
in Intellectual Property (Patent) Law*

**SENT BY FACSIMILE (703) 305-9822**

October 21, 2004

Office of Initial Patent Examination  
U.S. Patent and Trademark Office  
Alexandria, VA 22313  
U.S.A.

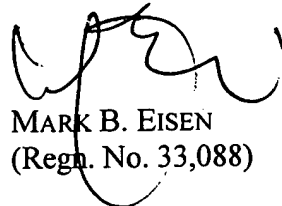
Dear Sir:

**Re: United States Patent Application No. 10/757,564**  
**Filing Date: January 15, 2004**  
**Art Unit: 3751**  
**Title: METHOD OF MANUFACTURING A FUEL FILLER TUBE**  
**Applicant: Robert Walther et al.**  
**Our File: 1406-23/MBE**

In response to the Notice of Incomplete Reply (Nonprovisional) dated October 7, 2004 (copy enclosed), Applicant advises that a Petition to accept a filing under CFR 1.37 was timely filed on September 20, 2004, concurrent with our reply to the Notice to File Missing Parts, and is presently under consideration.

Applicant therefore submits that this application should not be deemed abandoned.

Yours very truly,  
**DIMOCK STRATTON LLP**



MARK B. EISEN  
(Regn. No. 33,088)

MBE:lf

Encl. copy of Notice of Incomplete Reply (Nonprovisional)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/757,564	01/15/2004	Robert Walther	1406-23/MBE

CONFIRMATION NO. 4536

## FORMALITIES LETTER



\*OC000000014035595\*

Mark B. Eisen  
 Dimock Stratton Clarizio LLP  
 20 Queen Street West, Suite 3202  
 Box 102  
 Toronto, ON M5H 3R3  
 CANADA

Date Mailed: 10/07/2004

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 09/20/2004 to the Notice to File Missing Parts (Notice) mailed 04/19/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Robert Walther*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

KT

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/757,564	01/15/2004	Robert Walther	1406-23/MBE

**CONFIRMATION NO. 4536**  
**ABANDONMENT/TERMINATION**  
**LETTER**

38735  
 DIMOCK STRATTON LLP  
 20 QUEEN STREET WEST SUITE 3202, BOX 102  
 TORONTO, ON M5H 3R3  
 CANADA

Date Mailed: 03/27/2006

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/19/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

---

*A copy of this notice MUST be returned with the reply.*

2138  
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

## Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 10/07/04.

### Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within **2 months** from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

### Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

---

Customer Service Center

Initial Patent Examination Division (703) 308-1202